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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/649,092	08/28/2000	Masato Karaiwa	HIR-115	7797
7590 05/10/2004				
Sherman & Shalloway 413 North Washington Street Alexandria, VA 22314		EXAMINER JACKSON, MONIQUE R		
		ART UNIT		PAPER NUMBER

1773

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/649,092	KARAIWA, MASATO	
	Examiner	Art Unit	
	Monique R Jackson	1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The response filed 2/17/04 has been entered. Claims 1-6 are pending in the application.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamada et al (USPN 5,362,572) for the reasons recited in the prior office action and restated below.

Hamada et al teach a two-layer thermoplastic elastomer sheet useful in producing molded products for automobiles comprising a skin layer and a reverse surface layer wherein a first laminate embodiment comprises [I] a skin layer composed of a thermoplastic elastomer containing 1-85 parts by weight of a polyolefin resin (A) such as homopolymers and copolymers of ethylene or propylene or a mixture of polyethylene and polypropylene having a mixing ratio of 10/90 to 70/30 (polyethylene/polypropylene), and 15-99 parts by weight of an alpha-olefin copolymer rubber (B) such as an ethylene-propylene-non-conjugated rubber; and [II] a reverse surface layer composed of a thermoplastic elastomer containing 6 to 90 parts by weight of polyolefin resin (A), and 10 to 94 parts by weight of alpha-olefin copolymer rubber (B); wherein the skin and surface layers may further contain 5 to 100 part by weight, more preferably 20 to 70 parts by weight, per 100 parts by weight of the sum of polyolefin resin (A) and olefin rubber (B), of a mineral oil softening agent (D); and wherein the thermoplastic elastomers of both layers may be partially crosslinked by dynamically heat treating the blends in the presence of a crosslinking agent (Abstract; Col. 1, line 64-Col. 2, line 17; Col. 2, line 56-Col. 6, line 21.) In a second preferred embodiment, Hamada et al teach a second two-layer thermoplastic elastomer

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sheet including a skin layer (I) which includes a mixture of 100 parts by weight of the partially crosslinked elastomer and 5 to 100 parts by weight of a polyolefin resin (E) such as polyethylene, wherein the mixture is dynamically heat treated in the presence of a crosslinking agent (Col. 3, lines 6-11; Col. 5, lines 16-28.) Hamada et al further teach examples that read upon the instantly claimed weight parts and oily softening agent ratios, specifically with regards to instant Claim 1, Examples 1 and 2 read upon the invention wherein Example 1 teaches a laminate comprising a skin layer of 37 weight parts polyolefin, 63 weight parts ethylene-alpha-olefin non-conjugated polyene rubber, 30 parts oily softening agent dynamically heat treated with a crosslinking agent; and a surface layer comprising 50 weight parts polyolefin, 50 weight parts ethylene-alpha-olefin non-conjugated polyene rubber, 30 parts oily softening agent dynamically heat treated with a crosslinking agent; hence when calculated according to the instantly claimed basis, the weight parts of each of the components fall within the instantly claimed ranges and the oily ratio (a) is greater than the oily ratio (b) (Example 1.) With regards to instant Claim 2, Example 3 which incorporates polyethylene into the skin layer reads upon the weight part ranges instantly claimed wherein the oily ratio (a') is greater than 0.8 of the oily ratio (b') as instantly claimed. With regards to Claims 3-6, the Examiner takes the position that the terms "glass-run channel" and "roof molding, side molding or window molding for automobiles" recited in the preamble do not add any additional structure to the instantly claimed laminate and hence the laminate taught by Hamada et al anticipates these claims.

Response to Arguments

4. Applicant's arguments with respect to claims 1-6 have been considered but are not persuasive. The Applicant has equated skin layer I of Hamada et al to the surface layer of the

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instant invention and skin layer II of Hamada to the underlayer of the instant invention and has argued that in this relationship, the ratio of (a) to the ratio of (b) in the two layers is opposite to the instantly claimed invention. However, the Examiner notes that there is nothing in the instant claims and/or the invention taught by Hamada et al to require the skin layer I of Hamada et al to be equated to the instant surface layer versus the instant underlayer. Based on Applicant's own admission in the response, if the skin layer I of Hamada et al is equated to the instant underlayer, then the ratio of (a) to the ratio of (b) does in fact read on the instant invention and hence the Examiner maintains that the invention taught by Hamada et al anticipates the instant invention given that there is no limitations present in the instant claims to exclude the skin layers taught by Hamada et al from representing either the surface layer or underlayer of the instant invention.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

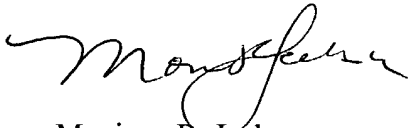
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R Jackson whose telephone number is 571-272-1508.

The examiner can normally be reached on Mondays-Thursdays, 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J Thibodeau can be reached on 571-272-1516. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Monique R. Jackson
Primary Examiner
Technology Center 1700
May 4, 2004